

1 OFFICE OF THE GENERAL COUNSEL
2 CLARK COUNTY SCHOOL DISTRICT
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6

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

10 Y.N., a minor, by and through
11 Guardian Ad Litem and
individual, LEONOR GILLAMADRID,

CASE NO.: 2:13-cv-01315-JCM-VCF

12 Plaintiffs,

CLARK COUNTY SCHOOL
DISTRICT'S NOTICE OF MOTION
AND MOTION FOR LEAVE TO FILE
UNDER SEAL

13 v.

14 CLARK COUNTY SCHOOL DISTRICT,

15 Defendant.

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18 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

19 PLEASE TAKE NOTICE that Defendant CLARK COUNTY SCHOOL
20 DISTRICT (hereinafter referred to as "CCSD" or "the District"),
21 by and through its undersigned attorneys, DONNA MENDOZA MITCHELL,
22 Deputy General Counsel, and JEANNE-MARIE HANNA, Assistant General
23 Counsel, hereby files this Motion for Leave to File Under Seal.
24 This Motion is made and based upon the pleadings and

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1 papers on file herein, the attached points and authorities, and
2 any arguments which may be presented to the Court.

3 DATED this 9th day of December, 2013.

4 CLARK COUNTY SCHOOL DISTRICT
5 OFFICE OF THE GENERAL COUNSEL

6 By: /s/ Donna Mendoza Mitchell
7 DONNA MENDOZA MITCHELL, ESQ.
8 Nevada Bar No. 2755
9 JEANNE-MARIE HANNA, ESQ.
Nevada Bar No. 8613
5100 W. Sahara Avenue
Las Vegas, NV 89121
10 Attorneys for Defendant

11 MEMORANDUM OF POINTS AND AUTHORITIES

12 I. STATEMENT OF RELEVANT FACTS

13 On November 15, 2013, Plaintiffs, Y.N., a minor, by and
14 through his Guardian ad Litem and individual, LEONOR GILLAMADRID,
15 filed a Motion for Attorney's Fees under the Individuals with
16 Disabilities Education Act ("IDEA"), 20 U.S.C. §1415(i)(3)(B).

17 On December 6, 2013, the District filed its Opposition to
18 Motion for Attorney's Fees. See Court Docket #27. Plaintiff
19 Y.N. is a minor student. Inadvertently, Y.N.'s full name was
20 included in two exhibits to the Opposition: Exhibit #1 which
21 consisted of the request for due process hearing; and Exhibit #2
22 which consisted of a Resolution Agreement. The District hereby
23 requests that the Court seal the initial version of the
24 Opposition (Docket #27) and allow the District to refile a
25 corrected version of the Opposition with the minor student's name
26 redacted.

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1 II. LEGAL ANALYSIS

2 Rule 5.2 of the Federal Rules of Civil Procedure provides,
3 with emphasis added:

4 Unless the court orders otherwise, in an electronic or
5 paper filing with the court that contains . . . the
6 *name of an individual known to be a minor . . . a party*
7 *or nonparty making the filing may include only . . .*
8 *the minor's initials.*

9 In this case, the District inadvertently included the full name
10 of minor student Y.N. on two exhibits to the District's
11 Opposition to Plaintiff's Motion for Attorney's Fees. See Court
12 Docket #27.

13 Under Local Rule 10-5(b), a party may file a motion for
14 leave to file documents under seal. The motion must be filed in
15 accordance with the Court's electronic filing procedures.

16 The District hereby requests that the Court grant the
17 District's Motion for Leave to File Under Seal. Court Docket #27
18 should be sealed. The District will simultaneously re-file a
19 corrected image of the Opposition. The corrected image will be
20 substantively identical with the exception that the minor's full
21 name will be redacted.

22 III. CONCLUSION

23 The District respectfully requests that the Court grant the
24 District's Motion for Leave to File Under Seal. Specifically,
25 Court Docket #27 should be sealed. The District also requests

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1 that the Court accept the District's corrected Opposition to
2 Plaintiffs' Motion for Attorney's Fees that will be filed on this
3 same date.

4 DATED this 9th day of December, 2013.

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6 CLARK COUNTY SCHOOL DISTRICT
7 OFFICE OF THE GENERAL COUNSEL

8

9 By: /s/ Donna Mendoza Mitchell
10 DONNA MENDOZA MITCHELL, ESQ.
11 Nevada Bar No. 2755
12 JEANNE-MARIE HANNA, ESQ.
13 Nevada Bar No. 8613
14 5100 W. Sahara Avenue
15 Las Vegas, NV 89121
16 Attorneys for Defendant

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CERTIFICATE OF ELECTRONIC FILING

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I hereby certify that on the 9th day of December, 2013, I
19 electronically filed the foregoing CLARK COUNTY SCHOOL DISTRICT'S
20 NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE UNDER SEAL with the
21 United States District Court, District of Nevada's CM/ECF System
22 upon Plaintiffs' counsel, Michelle M. Jones, Esq., who is a
23 registered user.

24

/s/ Eva Martinez
25 AN EMPLOYEE OF THE CLARK COUNTY
26 SCHOOL DISTRICT

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IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 12-10-2013